IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

Bail Appl..No. 5179 of 2007()

[CRIME NO.609/2007 OF NEELESHWAR POLICE STATION]

PETITIONER/ACCUSED:

RAGHAVAN T.M., AGED 32 YEARS,
S/O. CHOYI, RESIDING AT THOKANAMUTTA HOUSE,
PANAYAL P.O., BAKEL VIA., HOSDURG TALUK,
KASARAGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS: COMPLAINANT:

THE STATION HOUSE OFFICER,
NEELESHWAR POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5179 of 2007

Dated this the 23rd day of August 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Sections 376 and 417 I.P.C. The crux of the allegations against the petitioner is that the petitioner induced the victim to believe that he would marry her and on the basis of that promise, he had indulged in sexual intercourse with her. She became pregnant. After she was four months pregnant and when she found that the petitioner was not willing to marry her, she lodged a complaint alleging commission of rape. The petitioner had earlier come before this court seeking anticipatory bail on identical allegations. It was reported that the petitioner is not required to be arrested on the basis of any crime registered till then. Later, this crime has been registered and the petitioner was arrested on 12/8/2007.

2. The learned counsel for the petitioner submits that the allegations are totally false. Even assuming that the allegations are true, the alleged victim is above the age of

consent and all circumstances clearly indicate that it was a case of consensual sexual relationship and not a case of sexual intercourse against the will and without the consent of the alleged victim.

3. The learned Public Prosecutor opposes the application. But notwithstanding the opposition, I am satisfied that the petitioner can be enlarged on bail in the facts and circumstances to which I have already made brief reference.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007